



*Second* Amended Complaint rather than what should have been the Third Amended Complaint. (D.E. 13, D.E. 8).

3. Having just caught the error, Plaintiff's counsel advised Defendant's counsel today, who kindly agreed that the attached *Third* Amended Complaint should be filed. The case has been settled but references should be made to the correctly filed Third Amended Complaint. Accordingly, this motion is not opposed and, for these reasons, Plaintiff moves to file the correct *Third Amended Complaint* or to substitute it for the errantly filed Second Amended Complaint.

Respectfully submitted,

/s Justin S. Gilbert

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**CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify that on May 21, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt including defense counsel, Ms. Caitlin Burchette.

*/s Justin S. Gilbert*

JUSTIN S. GILBERT

**CERTIFICATE OF CONSULTATION**

This motion is not opposed, as Plaintiff's counsel, Justin Gilbert, conferred and explained the error to Defendant's counsel, Ms. Caitlin Burchette, earlier today, May 21, 2025.

*/s Justin S. Gilbert*

JUSTIN S. GILBERT